



Senate

General Assembly

File No. 439

January Session, 2003

Substitute Senate Bill No. 828

Senate, April 17, 2003

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE TRANSCRIPTION OF VOICE-MAIL
MESSAGES UNDER THE FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-213 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (b) Nothing in the Freedom of Information Act shall be deemed in
5 any manner to:

6 (1) Affect the status of judicial records as they existed prior to
7 October 1, 1975, nor to limit the rights of litigants, including parties to
8 administrative proceedings, under the laws of discovery of this state;
9 [or]

10 (2) Require disclosure of any record of a personnel search committee
11 which, because of name or other identifying information, would reveal

12 the identity of an executive level employment candidate without the
13 consent of such candidate; or

14 (3) Require any individual to transcribe an electronic voice-mail
15 message.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 828

***AN ACT CONCERNING THE TRANSCRIPTION OF VOICE-MAIL
MESSAGES UNDER THE FREEDOM OF INFORMATION ACT*****SUMMARY:**

The Freedom of Information Act (FOIA) requires public agencies to make records that they maintain available to the public unless federal or state law, including FOIA exemptions, requires or allows them to be kept confidential. This bill specifies that nothing in FOIA requires anyone to transcribe electronic voice-mail messages.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Voice Mail Retention***

In General Letter 98-1, the state public records administrator advised public agencies that voice mail is generally transitory and may be deleted at will. She suggested that voice mail containing potential evidence in a trial, such as a bomb threat, might require a longer retention period.

In the fall of 2002, the Freedom of Information Commission issued a proposed declaratory ruling (Draft Declaratory Ruling #94) that voice mail communications relating to the conduct of the public's business prepared, owned, used, received, or retained by a public agency are public records under FOIA. As such, the commission's proposal declared that these voice mail messages must be retained.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 7

